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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,352	09/14/1999	TUMAY O. TUMER	NOVA-002-USA	7308

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RONALD R. SNIDER
PO BOX 27613
WASHINGTON, DC 200387613

EXAMINER

LEE, BENJAMIN C

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 03/23/2004

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/396,352

Applicant(s)

TUMER, TUMAY O.

Examiner

Benjamin C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27,28 and 32-74 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 27,28 and 32-74 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

Claim Status

1. **Claims 27-28 and 32-74** are pending.

Claim Objections

2. **Claims 32 and 44** are objected to because of the following informalities:

1) Claims 32 and 44 are currently depended on cancelled claim 31.

-- Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. **Claims 27-28, 32, 34-36, 40, 42-43, 48-52, 54-56, 60, 62-63, 68-70 and 72** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Moskowitz et al. as stand in the previous Office action.
4. **Claims 33, 37, 53 and 57** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Moskowitz et al. and Auerbach et al. as stand in the previous Office action.
5. **Claims 38-39, 41, 58-59, 61, 71 and 73-74** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Moskowitz et al. in view of Kip et al. as stand in the previous Office action.
6. **Claims 44 and 64** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Moskowitz et al. in view of Turner et al. as stand in the previous Office action.
7. **Claims 45 and 65** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Moskowitz et al. and Roth et al. as stand in the previous Office action.

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8. **Claims 46-47 and 66-67** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Moskowitz et al. in view of Schoenian et al. as stand in the previous Office action.

Response to Arguments

9. Applicant's arguments filed 12/19/03 have been fully considered but they are not persuasive.

Applicant's arguments relied on the **35 CRF 1.131 Declaration** as the basis for invalidating the combination of Carroll and Moskowitz et al. and the rejection in general, in that Applicant traverses that a mere substitution of dipole antennas in Carroll is obvious or possible.

Firstly, contrary to Applicant's argument, the Declaration itself alleged a different issue, specifically that the Carroll patent's use of single pole antenna and corresponding rectifier system (22) and other circuits such as Divide/timing logic and data generator (30) will not work to perform the claimed function if they are placed on the MicroTag chip (used by Applicant's disclosed invention) of this application, and that Applicant's circuitry, if placed on the Carroll chip, will not work to produce the claimed results. Since the claimed invention did not recite many of the disclosed features including those mentioned in the Declaration, Applicant's argument that the Carroll circuitry would not work to produce the claimed results if placed on Applicant's chip/circuitry or vice versa is not relevant to the rejection based on the combination of Carroll and Moskowitz et al. (i.e. not Applicant's disclosed invention) that Examiner indicated would produce the claimed results. In other words, the issues/features that the Declaration alleged the rejection did not meet or address are issues/features that are not currently claimed, even though they may have been disclosed in Applicant's specification.

Secondly, while Examiner agrees that identification tag circuitry are necessarily slightly different for single loop type antennas and for dipole type antennas, such as to accommodate differences in the voltage, frequency, impedance and/or other operating parameters distinctive to each type but which are well known in the art, the claimed invention's circuitry and other operating detail are either so broadly claimed as to be generic to both types of identification tag circuitry that issues associated with such distinctive circuitry features were never brought up or included, and hence, the rejection did not address such non-issues, or otherwise they have been sufficiently addressed in the rejection. For those argued distinctive features that were not included in the claimed invention, the rejection did not, and would not need to address them.

Lastly, Moskowitz et al.'s teaching of the alternative use of single loop type antennas and dipole type antennas for same identification tag is indicative of the concept that modification of the tag circuitry to address and accommodate the operating parameters distinctive to each type of antennas when chosen is well known and within the grasp of one skilled in the art.

In conclusion, Applicant's arguments, including the Declaration, are not deemed persuasive in overcoming the rejection.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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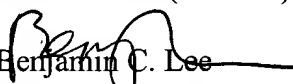
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (703) 306-4223.

The examiner can normally be reached on Mon -Fri 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin C. Lee
Primary Examiner
Art Unit 2632

B.L.
3/20/04